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**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:

BETTENCOURT, JULIAN  
BETTENCOURT, MARIA,  
Debtors.

CASE NO.: BK-S 09-26769-LBR  
IN CHAPTER 11 PROCEEDINGS

**11800 Weybrook Park Dr.**  
**Las Vegas, NV 89141**

Hearing Date: February 17, 2010  
Hearing Time: 10:30 A.M.

**OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY**

COME NOW, JULIAN BETTENCOURT and MARIA BETTENCOURT (hereinafter the “Debtors”), by and through their attorneys, PIET & WRIGHT, LLC., and attorney CHARLES T. WRIGHT, ESQ. and respectfully request this Court to deny the MOTION FOR RELIEF FROM AUTOMATIC STAY filed by HSBC BANK USA, NA as Trustee for Nomura Asset Acceptance Corporation Mortgage Pass Through Certificates Series 2005-AR5, by and through their attorney, GREGORY L. WILDE, Esq., of WILDES & ASSOCIATES, as follows:

**POINTS AND AUTHORITIES**

11 U.S.C. Section 362(d)(1) states that the Court may terminate, modify, or condition stay:

“for cause, including the lack of adequate protection of an interest in property of such party in interest.”

11 U.S.C Section 362(d)(2) further provides that the Court may terminate,

modify, or condition a stay:

“with respect to a stay of an act against property under subsection (a) of this section, if –

(A) the debtor does not have an equity in such property; AND

(B) such property is not necessary to an effective reorganization.”

(emphasis added).

### **STATEMENT OF FACTS**

Debtors property has liens of approximately \$592,000.00 for the property located at 11800 Weybrook Park Dr., Las Vegas, Nevada 89141. Debtors believe that they do not have any equity in the property.

11 U.S.C. Section 361(1) may apply as:

1. Debtors acknowledge that if they are late on the post petition payments, they will need some time to acquire the necessary funds to cure all post-petition arrearages.

2. Debtors intentions are to stay current on future post-petition payments.

3. This property is subject to setoff to U.S.C. Sections 506 and 1123(b)(5).

THEREFORE, Debtors request that the Motion filed be denied under 11 U.S.C. Section 362(d)(1) or (2), and that any action on creditor’s behalf be stayed for an adequate amount of time to allow Debtors to become current on the post petition arrearages and/or to stipulate to an Order Re Adequate Protection.

1 Dated this 4th day of February, 2010.

2 Respectfully submitted,

3 PIET & WRIGHT

4 By: /s/ Charles T. Wright  
5 CHARLES T. WRIGHT, ESQ.  
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